



# Housing Act 2004

## 2004 CHAPTER 34

### PART 7

#### SUPPLEMENTARY AND FINAL PROVISIONS

##### *Enforcement*

#### **239 Powers of entry**

- (1) Subsection (3) applies where the local housing authority consider that a survey or examination of any premises is necessary and any of the following conditions is met—
  - (a) the authority consider that the survey or examination is necessary in order to carry out an inspection under section 4(1) or otherwise to determine whether any functions under any of Parts 1 to 4 or this Part should be exercised in relation to the premises;
  - (b) the premises are (within the meaning of Part 1) specified premises in relation to an improvement notice or prohibition order;
  - (c) a management order is in force under Chapter 1 or 2 of Part 4 in respect of the premises.
- (2) Subsection (3) also applies where the proper officer of the local housing authority considers that a survey or examination of any premises is necessary in order to carry out an inspection under section 4(2).
- (3) Where this subsection applies—
  - (a) a person authorised by the local housing authority (in a case within subsection (1)), or
  - (b) the proper officer (in a case within subsection (2)),may enter the premises in question at any reasonable time for the purpose of carrying out a survey or examination of the premises.
- (4) If—

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*Changes to legislation: Housing Act 2004, Section 239 is up to date with all changes known to be in force on or before 04 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (a) an interim or final management order is in force under Chapter 1 of Part 4 in respect of any premises consisting of part of a house (“the relevant premises”), and
  - (b) another part of the house is excluded from the order by virtue of section 102(8) or 113(7),
- the power of entry conferred by subsection (3) is exercisable in relation to any premises comprised in that other part so far as is necessary for the purpose of carrying out a survey or examination of the relevant premises.
- (5) Before entering any premises in exercise of the power conferred by subsection (3), the authorised person or proper officer must have given at least 24 hours' notice of his intention to do so—
- (a) to the owner of the premises (if known), and
  - (b) to the occupier (if any).
- (6) Subsection (7) applies where the local housing authority consider that any premises need to be entered for the purpose of ascertaining whether an offence has been committed under section 72, 95 or 234(3).
- (7) A person authorised by the local housing authority may enter the premises for that purpose—
- (a) at any reasonable time, but
  - (b) without giving any prior notice as mentioned in subsection (5).
- (8) A person exercising the power of entry conferred by subsection (3) or (7) may do such of the following as he thinks necessary for the purpose for which the power is being exercised—
- (a) take other persons with him;
  - (b) take equipment or materials with him;
  - (c) take measurements or photographs or make recordings;
  - (d) leave recording equipment on the premises for later collection;
  - (e) take samples of any articles or substances found on the premises.
- (9) An authorisation for the purposes of this section—
- (a) must be in writing; and
  - (b) must state the particular purpose or purposes for which the entry is authorised.
- (10) A person authorised for the purposes of this section must, if required to do so, produce his authorisation for inspection by the owner or any occupier of the premises or anyone acting on his behalf.
- (11) If the premises are unoccupied or the occupier is temporarily absent, a person exercising the power of entry conferred by subsection (3) or (7) must leave the premises as effectively secured against trespassers as he found them.
- (12) In this section “occupier”, in relation to premises, means a person who occupies the premises, whether for residential or other purposes.

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#### **Commencement Information**

- II** S. 239 wholly in force at 16.6.2006; s. 239 not in force at Royal Assent see s. 270(4)(5); s. 239 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), **art. 2(1)(a)** (with [Sch.](#)); s. 239 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), **art. 2(a)** (with [Sch.](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)